

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAUL AMAYA-ORELLANO,

Defendant.

8:10CR71

ORDER

Defendant Raul Amaya-Orellano (Amaya-Orellano) appeared before the court on May 6, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 41). Amaya-Orellano was represented by Joshua Griffin and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Amaya-Orellano waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Amaya-Orellano should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Amaya-Orellano declined to present any evidence or request a detention hearing. Since it is Amaya-Orellano's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Amaya-Orellano has failed to carry his burden and that Amaya-Orellano should be detained pending a dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on May 30, 2013**. Defendant must be present in person.

2. Defendant Raul Amaya-Orellano is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 6th day of May, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge